



City of Loma Linda Official Report

Floyd Petersen, Mayor
Stan Brauer, Mayor pro tempore
Robert Christman, Councilmember
Robert Ziprick, Councilmember
Charles Umeda, Councilmember

COUNCIL AGENDA: June 27, 2006

TO: City Council

VIA: Dennis R. Halloway, City Manager

FROM: Pamela Byrnes-O'Camb, City Clerk

SUBJECT: Report and consideration of Save Loma Linda Residential and Hillside Development Control Measure (Submitted 3/6/2006). Options to be considered: 1) Adopt without alteration on June 27 or within 10 days after it is presented; 2) Order an election at which the ordinance, without alteration, shall be submitted to a vote of the voters of the city; 3) Order a report pursuant to Election Code Section 9212

RECOMMENDATION

It is recommended that the City Council order a report pursuant to Election Code Section 9212, to be submitted no later than July 27.

BACKGROUND

On September 15, 2005, Jay Gallant, Georgia Hodgkin and Wayne Isaeff (Save Loma Linda) submitted the "Notice of Intent to Circulate Petition" and asked that the City Attorney prepare a Title and Summary. The Title and Summary was prepared and was transmitted to the proponents on September 29, 2005. The Title and Summary and Notice of Intent to Circulate Petition was published on October 6, 2005 in City News, an adjudicated paper, and a Proof of Publication was provided to the City Clerk.

On March 6, 2006 the Petitions were submitted to the City Clerk for verification of signatures. The petitions were filed with the Registrar of Voters Office to verify the signatures.

During the period the signatures were being verified, legal action relating to the University Village and Orchard Park Specific Plans was initiated. The Court ruled that the referenda relating to those projects violated the Voting Rights Act in that the petitions were not translated into Spanish. The Court further ruled that the violation also extended to the Initiative. Although verification of signatures continued, pending further clarification from the Court, the Initiative process was suspended.

On June 19, United States District Judge Audrey B. Collins reversed her decision and vacated the preliminary injunction she had previously issued against further processing of the Initiative entitled "Residential and Hillside Development Control Measure." Therefore, consideration of the Initiative must proceed.

The signatures on the petitions have qualified as sufficient.

ANALYSIS

The City Council has the following options:

- 1) Adopt the Ordinance without alteration, at the meeting at which the certification of the petition is presented or within 10 days after it is presented.
- 2) Immediately order a special election at which the ordinance, without alteration, shall be submitted to a vote of the voters of the city. The election may be consolidated with the statewide general election scheduled for Nov. 7, 2006.
- 3) Order a report on the initiative pursuant to Election Code §9212 at the regular meeting at which the certification of the petition is presented. The report is to be submitted to the City Council within 30 days (July 27). The last scheduled meeting is July 25. The proposed initiative measure may be referred to any city agency or agencies for a report on any or all of the following:
 - It's fiscal impact.
 - Its effect on the internal consistency of the city's general and specific plans, including the housing element, its effect on the consistency between planning and zoning, and the limitations on city actions under §65008 of the Government Code and Chapters 4.2 (commencing with §65913) and 4.3 (commencing with §65915) of Division 1 of Title 7 of the Government Code.
 - Its effect on the use of land, the impact on the availability and location of housing, and the ability of the city to meet its regional housing needs.
 - Its impact on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks, and open space. The report may also discuss whether the measure would be likely to result in increased infrastructure costs or savings, including the costs of infrastructure maintenance, to current residents and businesses.
 - Its impact on the community's ability to attract and retain business and employment.
 - Its impact on the uses of vacant parcels of land.
 - Its impact on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization.
 - Any other matters the legislative body requests to be in the report.

Upon receipt of the report, the City Council shall either adopt the ordinance within 10 days or order an election, as set forth in options 1) or 2) above.

ENVIRONMENTAL

Not applicable.

FINANCIAL IMPACT

Approximately \$6,000 for County Election Services; cost of preparation of the report is unknown at this time.